

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE MERCK & CO., INC.,
VYTORIN/ZETIA SECURITIES
LITIGATION

08-CV-2177 (DMC) (JAD)

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, by and among counsel for the undersigned parties, pursuant to Fed. R. Civ. P. 41(a)(2), that:

1. Defendant Peter S. Kim is hereby dismissed from this action.
2. Count III of the Second Amended Consolidated Complaint alleging violations of Section 20A of the Securities Exchange Act of 1934 is hereby dismissed from this action.
3. Each party shall bear his or its own costs and attorney's fees in connection with the claims dismissed herein, and no party will make any argument or assertion about the claims being brought and dismissed, including any argument or assertion that the claims were brought, prosecuted or defended in bad faith or in violation of Fed. R. Civ. P. 11.

Dated: November 21, 2012

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SO ORDERED,
this 28 day of Nov., 2013

Dennis M. Cavanaugh
DENNIS M. CAVANAUGH, U.S.D.J.